

**In The Court Of Appeal Of The State Of California
Sixth Appellate District
San Jose, California**

MONDAY, DECEMBER 21, 2009

H033864 PEOPLE v. MELLO

The judgment is reversed and the matter is remanded for retrial. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed December 21, 2009

H032801 CRITZER et al. v. CITY OF CUPERTINO; ENOS et al.

The judgment is affirmed. Respondent's motion for supplemental request for judicial notice and its objection to reference to materials outside of the designated record are denied as moot. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed December 21, 2009

H033089 MILLER v. MILLER, as Trustee, etc.

The order is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed December 21, 2009

TUESDAY, DECEMBER 22, 2009

The following cases are submitted this date:

H032459 PEOPLE v. NGUYEN

H034501 PEOPLE v. ABRAM

H034004 PEOPLE v. LOPEZ

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Elia, Acting P.J., Mihara, J.)

Filed December 22, 2009

H034145 PEOPLE v. GALVAN

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed December 22, 2009

H033145 ADEM, LLC, et al. v. GREWAL

The July 2008 order denying the special motion to strike is affirmed. (not published)

(McAdams, J.; We concur: Rushing, P.J., Duffy, J.)

Filed December 22, 2009

**In The Court Of Appeal Of The State Of California
Sixth Appellate District
San Jose, California**

Tuesday, December 22, 2009 (continued)

H033855 PEOPLE v. JESSE A.

The order granting probation is modified to provide that:
(a) Probation Condition No. 14 shall read: "14) That the minor not knowingly use, possess, or be under the influence of alcohol or any form of controlled or illegal substance without the legal right to do so and submit to drug and substance abuse testing as directed by the Probation Officer;" (b) Probation Condition No. 17 shall read: "17) That the minor not knowingly associate with any probationer, parolee, or member of a criminal street gang;" (c) Probation Condition No. 18 shall read: "18) That the minor not remain in specific locations where he knows that activity involving criminal street gangs occurs, including such locations as may be specifically identified by the probation department, and not participate in any activity he knows to be criminal street gang activity;" (d) Probation Condition No. 19 shall read: "19) That the minor not knowingly own, use, or possess any dangerous or deadly weapons, and not remain in any building, vehicle, or in the presence of any person where the minor knows that dangerous or deadly weapons exist;" (e) Probation Condition No. 20 shall read: "20) That the minor not possess, display or wear any insignia, clothing, logos, or paraphernalia which he knows identifies any criminal street gang membership or affiliation;" and (f) Probation Condition No. 21 shall read: "21) That the minor not obtain any tattoos without first obtaining approval of his probation officer." (not published)
(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed December 22, 2009

H033231 PEOPLE v. LEE

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed December 22, 2009

H033405 CHHIPWADIA v. ZITMAN

The order denying Zitman's special motion to strike the complaint under the anti-SLAPP statute is affirmed. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed December 22, 2009

**In The Court Of Appeal Of The State Of California
Sixth Appellate District
San Jose, California**

Tuesday, December 22, 2009 (continued)

H034154 PEOPLE v. BARRETT

The order of commitment is affirmed. (not published)
(Duffy, J.; We concur: Rushing, P.J., Elia, J.)
Filed December 22, 2009

H034870 REAL v. NEIMAN MARCUS GROUP, INC., et al.

Appellant's motion to set aside the dismissal order issued November 25, 2009, is granted and the appeal is ordered restored to active status. Appellant is directed to comply with the requirements of the California Rules of Court and procure the preparation of the record on appeal in the above entitled appeal in a timely manner. The clerk of the Santa Clara County Superior Court is directed to effect the preparation of the record on appeal as provided under the pertinent provisions of the California Rules of Court.

Filed December 22, 2009

RUSHING, P.J.

WEDNESDAY, DECEMBER 23, 2009

H033397 PEOPLE v. BLEVINS

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)
Filed December 23, 2009

THURSDAY, DECEMBER 24, 2009

The following cases are submitted this date:

H033888 PEOPLE v. FRANCO

H033290 JOHNSON v. ENDOVASCULAR TECHNOLOGIES, INC.

H033287 MCGUAN v. ENDOVASCULAR TECHNOLOGIES, INC., et al.

H034336 PEOPLE v. J.C.

H034504 In re C.V., et al.; D.F.C.S. v. G.V.

H034317 PEOPLE v. J.M.

H034031 PEOPLE v. A.M.